

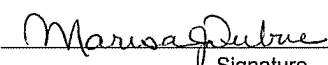
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		FIS920030068US1	
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	10/678,822	October 2, 2003	
	First Named Inventor		
	Karl Gartland		
	Art Unit	Examiner	
	2129	Joseph P. Hirl	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
☐	applicant/inventor.		
☐	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		
☒	attorney or agent of record. Registration number _____		
☐	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		
		 Signature	
		Marisa J. Dubuc Typed or printed name	
		860-286-2929 Telephone number	
		January 16, 2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Karl Gartland, et al.)
) Group Art Unit: 2129
Serial No.: 10/678,822)
) Examiner: Joseph P. Hirl
Filed: October 2, 2003)
) Confirmation No: 1132
For: METHOD AND SYSTEM FOR)
AUTOMATING ISSUE RESOLUTION)
IN MANUFACTURING EXECUTION)
AND MATERIAL CONTROL SYSTEMS)

Mail Stop Amendment
Commissioner for Patents
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Alexandria, VA 22313-1450

Pre-Appeal Brief Request for Review

In response to the Final Office Action dated October 16, 2006, and in conjunction with the concurrently filed Notice of Appeal, the Applicants submit the following for entry in the above-identified application.

REMARKS

Claims 1-30 are pending in the instant Application. The Examiner has rejected claims 1-30 under 35 U.S.C. 102(e) as being allegedly being anticipated by Ikeda et al. (US. Patent. No. 6,853,959, hereinafter “Ikeda”). The Applicants submit that the rejections of claims 1-30 are in error because the Examiner has not met the burden of establishing anticipation in contravention of the provisions of 35 USC 102.

With respect to claims 1-30, Ikeda does not teach “an automated manufacturing facility”, but rather a remote monitoring diagnostic center, a user facility containing a power plant, and a design department. The power plant and remote diagnostic center of Ikeda are geographically diverse facilities. The “remote monitoring diagnostic center” of Ikeda provides power plant monitoring at a distance. For example, Ikeda states a “remote area (*a long distance* from the power generating equipment to the maintenance group)” (see, e.g., Ikeda, column 9, lines 45-47). “Information which can be monitored is converted into digitalized signals, and is *transmitted* through the communications line (ISDN line, Internet, Intranet, radio) *to the facilities* where monitor and diagnosis are conducted on a real time basis by remote control.” (Ikeda, column 9, lines 60–65, *emphasis added*).

A stated advantage of Ikeda is, “[s]imultaneous monitoring of multiple equipment by a smaller number of people in remote control mode” (Ikeda, column 11, lines 17-18), indicating both human involvement and remote location. Thus, Ikeda does not teach “an automated manufacturing facility.” Even, if the Examiner reads the power plant of Ikeda as an automated manufacturing facility, in contrast to the teaching of the specification, *the remote monitoring diagnostic system is not in the plant*. Therefore, the structure taught in Ikeda is inconsistent

with the plain language of the Applicants' claims 1-30.

Regarding Examiner's response in the Office Action for the first component of Claims 1, 11, 21, and 30, the Examiner statement that Ikeda at column 1, lines 45-57, discloses "automatic action" is without support. The only references in Ikeda to "action" are a database storing errors and actions, and a reporting system with no teaching of automatic capabilities. Thus, there exists clear error in the rejections of claims 1, 11, 21, and 30.

Regarding Examiner's response for the second component of Claims 1, 11, 21, and 30, the Examiner asserts that sending a report, even if sent via e-mail, is equivalent to "commanding the taking of automated corrective action by a portion of the automated manufacturing facility in response to a reported issue recognized by the first component" as recited in the Claims. The reporting system of Ikeda requires human intervention of the pilot staff to confirm the error and either pass the information to a department for study or provide feedback directly through e-mail, phone, or fax. (Ikeda, column 8, lines 49 – 60). Furthermore, there is nothing to indicate that the user recipient of the report performs the correction in an automated fashion. Ikeda teaches power plant maintenance using a maintenance engineer with a portable terminal (Ikeda, FIGs. 1- 4, item 24).

The Examiner has not provided any detailed rejection for Claim 16 in either Office Action; therefore, it is presumed that Claim 16 is allowable.

For at least the aforementioned reasons, the Applicants submit that there exists clear error in the rejections of claims 1, 11, 21, and 30. Claims 2-10, 12-20, and 22-29 depend claims 1, 11, and 21, respectively, and are believed to be patentable at least due to their dependencies thereon.

Conclusion

In view of the foregoing, it is urged that the final rejection of claims 1-30 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(1) is enclosed herewith. If there are any additional charges with respect to this Request, or otherwise, please charge them to Deposit Account No. 09-0458.

Respectfully submitted,
KARL GARTLAND, ET AL.

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Applicants' Attorneys

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